REMARKS

Claims 1-19 and 21-24 are pending. Claims 3-5, 9-12 and 21-24 are allowed. Claim 8 is canceled herein. Accordingly, claims 1, 2, 6 and 7 are at issue.

Claims 1, 2, 6 and 7 stand rejected under 35 USC § 103(a) as upatentable over U.S. Patent No. 3,892,313 to Lange in view of EP 565302 to Edwards. Claim 8 stands rejected under 35 USC § 103(a) as unpatentable over Lange and Edwards, and further in view of U.S. Patent No. 6,116,835 to Blacket et al.

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 1 is directed to a rivet holder including a unitary plate body of a predetermined thickness and having an upper surface and a lower surface spaced by the predetermined thickness of the body, and a plurality of rivets having pre-formed rivet heads including top surfaces that are aligned with each other. As amended, claim 1 calls for a plurality of rivet-receiving apertures of the unitary plate body arranged in a predetermined, non-linear pattern. The apertures have at least one retaining portion of the plate body configured to support and securely hold the rivets depending from the plate body so that top surfaces of the rivet head does not project above the upper surface of the plate body and the rivet head top surfaces are closer to the lower surface and the upper surface of the plate body prior to transmission of a drive force through the rivets for releasing the rivets from the body. None of the cited art, either alone or in combination, discloses or suggest a rivet holder having a unitary plate body with a plurality of rivet-receiving apertures that are arranged in a predetermined, non-linear pattern. Nor do the cited references disclose or suggest the arrangement of the rivets in the apertures so that top surfaces of the

rivets do not project above the upper surface of the plate body, with the rivet head top surfaces being closer to the lower surface than the upper surface of the plate body, as recited in claim 1.

In the Action, it is asserted that because of the shape of the enlarged head 16 of the fastener 4 disclosed by Edwards, when the fastener 4 is placed in the apertures 2 of the strip of Lange, these heads 16 would not project above the upper surface of the Lange strip 1. The only reason expressed in the Action for such a cut-and-paste type of substitution is that these references are related art. Thus, the only motivation for this substitution comes from the applicants' rivet holders of claim 1. The fact remains that both references teach away from the recited rivet holder since they both actually show that the top surfaces of their fasteners project beyond the upper surfaces of their respective strips. Further, the tape layers 1a-1c of Lange form a complexly shaped aperture 2 including a varying diameter thereof in which the dome-shaped heads of the nails 4 are captured. The specialized shape of the enlarged head 16 of the Edwards fastener 4 includes a pair of upstanding projections as shown in Fig. 3. These projections would likely cause interference with the upper tape layer 1a which forms a smaller diameter opening than the layer 1b therebelow, such that there would be no reason for one skilled in the art to even consider the substitution set forth in the Action.

To further distinguish the relied upon art, amended claim 1 states that the rivet-receiving apertures of the unitary plate body are arranged in a predetermined, non-linear pattern. This is contrary to the structure disclosed by both Lange and Edwards. In Lange, the apertures 2 are shown as progressing linearly along the strip 1 (Fig. 2) so that the nails 4 can be received in magazine housing 14 of driving apparatus 10 for being driven therefrom by impacting rod

11. Edwards is similarly deficient fastener since the retention holes 5 are all shown as being arranged in a linear pattern along the tape 1. Where the tape includes additional holes as shown in Figs. 4-6 and 8, these holes are either indexing holes or slots, and are not for receiving fasteners for therein. Accordingly, claim 1, claims 2 and 6 which depend therefrom, are believed allowable over the relied upon art.

Amended claim 7 is directed to a rivet holding system including a plurality of interconnected unitary plates each having an upper surface and a lower surface, and a frangible bridge between adjacent plates. Amended claim 7 further recites a plurality of rivet receiving apertures of the unitary plates configured to support the rivets depending from the plates with each plate having a predetermined, non-linear pattern of rivet-receiving apertures that is the same as the predetermined non-linear pattern of the rivet-receiving apertures in the other interconnected plates. Claim 7 calls for the plates to include portions molded above and generally below the heads of the rivets in the apertures to capture the heads therein so that top surfaces of the rivets do not project above the plate upper surface. None of the relied upon art, either alone or in combination, discloses or suggest the rivet holding system of amended claim 7.

As with claim 1, it is asserted that any combination of Lange and Edwards to meet the limitation reciting that the top surfaces of the rivet heads do not project above the plate upper surface is simply not to be found in either of the references themselves and any combination of Lange and Edwards to arrive at such an arrangement is based on pure speculation since they both only disclose that the respective top surfaces of their fasteners project above the corresponding upper surfaces of their strips. Reliance on the drawings for rejecting claim 7 requires pure speculation as to the relative sizes of the fastener head disclosed by Edwards and the strip taught by Lange. As is understood, patent drawings are

not made to scale, and they certainly should not be compared in terms of relative sizing of different components from different patents as done in the Action.

Nevertheless to further distinguish the cited art, claim 7 is also amended to recite a plurality of interconnected plates that include a frangible bridge between adjacent plates with each plate having a predetermined, non-linear pattern of rivet-receiving apertures that is the same as predetermined non-linear pattern of rivet-receiving apertures in the other interconnected plates. Both Lange and Edwards only show a linear pattern of corresponding fastener receiving apertures in their strips, and certainly do not disclose or suggest the recited plurality of plates that each have the same predetermined, non-linear pattern of rivet-receiving apertures therein. Further, the tape 90 of Blacket et al. is similarly deficient as it includes a linear pattern of holes 95 for receiving fasteners therein. As taught by Blacket et al., the drive holes 91 are not for receiving fasteners and instead are for engaging teeth 68 of the drive sprocket 69 of a fastening machine. Also, rather than multiple rivet-receiving apertures arranged in a non-linear pattern as required include claim 7, Blacket et al. only show a single fastener receiving hole 95 in each section of the tape 90 delineated by the weakening lines 97 on either side thereof. Thus, none of the cited references disclose plates that are interconnected by frangible bridges with each of the plates having the same predetermined, non-linear pattern of multiple rivet-receiving apertures, as recited in amended claim 7. Accordingly, claim 7 is believed allowable over the relied upon art.

Based on the foregoing, reconsideration and allowance of claims 1, 2, 6, and 7 are respectfully requested.

Respectfully submitted,

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